



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

David Steele  
Registered Agent  
Air Capitol Plating, Inc.  
3900 W. Central  
Wichita, KS 67203

Re: Pre-Filing Negotiations for Clean Air Act Violations

Dear Mr. Steele:

The Environmental Protection Agency Region VII ("EPA") recently requested information from Air Capitol Plating, Inc. ("ACP") regarding its compliance status with the "National Emission Standard for Aerospace Manufacturing and Rework Facilities," 40 C.F.R. Part 63 Subpart GG, promulgated pursuant to Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Based on EPA's review of the information submitted by ACP, violations of Section 112 of the Clean Air Act and its underlying regulations have been documented. Included in Attachment A to this letter is a list of regulatory violations for which EPA proposes to seek penalties.

Prior to initiating any such penalty action, EPA would like to provide ACP an opportunity to resolve this matter. The benefit of conducting such "pre-filing negotiations" is that EPA may be able to offer significant downward adjustments to the proposed penalty amount, based on ACP's cooperation and good faith. Should EPA formally initiate an enforcement action, it may not be able to offer such downward adjustments.

Please contact me at (913) 551-7962 no later than twenty (20) days after you receive this letter. If I do not hear from you by this time, I will assume that you are not interested in pre-

filing negotiations and EPA will proceed with an enforcement action to address the violations at ACP's facility.

Thank you for your attention.

Sincerely,

A handwritten signature in cursive script that reads "Alexander Chen".

Alexander Chen  
Assistant Regional Counsel

cc: Richard Tripp, ARTD/APCO  
Randall Birchfield, Air Capitol Plating, Inc.

### **Attachment A**

Section 63.744 (b) states that all hand-wipe cleaning operations must use cleaning solvents that:

"(1) Meet one of the composition requirements in Table 1; COMPOSITION REQUIREMENTS FOR APPROVED CLEANING SOLVENTS

(2) Have a composite vapor pressure of 45 mm Hg (24.1 in. H<sub>2</sub>O) or less at 20 °C (68 °F); or

(3) Demonstrate that the volume of hand-wipe solvents used in cleaning operations has been reduced by at least 60% from a baseline adjusted for production. The baseline shall be established as part of an approved alternative plan administered by the State. The alternative plan shall be submitted by the Administrator, and shall demonstrate that the [Clean Air] Act and approved by the Administrator, and shall demonstrate that the 60% volume reduction in cleaning solvents provides equivalent reductions to the requirements in paragraph (b)(1) or (b)(2)".

ACP used methyl ethyl ketone and trichloroethylene from September 1998, until February 1999, as a hand wipe cleaner. Both compounds are HAPs and do not meet the requirements of (b)(1) & (2) and no baseline reduction plan has been approved.

Section 63.744 (c) requires the following for spray gun cleaning operations:

"Each owner or operator of a new or existing spray gun cleaning operation subject to this subpart in which spray guns are used for the application of coatings or any other materials that require the spray guns to be cleaned shall use one or more of the techniques, or their equivalent, specified in paragraphs (c)(1) through (c)(4) of this section...."

"(4) Atomizing cleaning. Clean the spray gun by forcing the cleaning solvent through the gun and direct the resulting atomized spray into a waste container that is fitted with a device designed to capture the atomized solvent emissions".

ACP used methyl ethyl ketone for atomized gun cleaning from September 1, 1998 to March 25, 1999 and did not capture the atomized solvent emissions.

Section 63.745(c) (1) & (2) requires that for all aerospace primer application operations involving coatings that are uncontrolled:

"(1) Organic HAP emissions from primers shall be limited to an organic HAP content level of no more than 350 g/l (2.9 lb/gal) of primer (less water) as applied. (2) VOC emissions from primers shall be limited to an VOC content level of no more than 350 g/l (2.9 lb/gal) of primer (less water and exempt solvents) as applied".

ACP used and is using primers (Coating Number BMS 10-11 green) that exceeded the HAP and VOC emission limit and has no averaging plan or control device. The projected compliance date is April 2000.

---

Section 63.745(c) (3) & (4) requires that for all aerospace topcoat application operations involving coatings that are uncontrolled:

"(3) Organic HAP emissions from topcoats shall be limited to an organic HAP content level of no more than 420 g/l (3.5 lb/gal) of coating (less water) as applied. Organic HAP emissions from self-priming topcoats shall be limited to an organic HAP content level of no more than 420 g/l (3.5 lb/gal) of self-priming topcoat (less water) as applied. (4) VOC emissions from topcoats shall be limited to a VOC content level of no more than 420 g/l (3.5 lb/gal) of coating (less water and exempt solvents) as applied. VOC emissions from self-priming topcoats shall be limited to a VOC content level of no more than 420 g/l (3.5 lb/gal) of self-priming topcoat (less water and exempt solvents) as applied."

ACP used and is using topcoats (Coating Number 17295) that exceeded the VOC emission limit and has no averaging plan or control device. The projected compliance date is April 2000.

---

Section 63.745 (g) states that owners or operators of primer or top coat operations:

"In which any coatings that are spray applied contain inorganic HAP, shall comply with the applicable requirements in paragraphs (g)(1) through (g)(3) of this section".

(1) Apply these coatings in a booth or hangar in which air flow is directed downward onto or across the part or assembly being coated and exhausted through one or more outlets.

(2) Control the air stream from this operation as follows:

(i) For existing sources, before exhausting it to the atmosphere, pass the air stream through a dry particulate filter system certified using the methods described in § 63.750(o) to meet or exceed the efficiency data points in Tables 1 and 2 of this section; or pass the air stream through a waterwash system that shall remain in operation during all coating application operations. Dry filter booths shall include two-stage filter systems or the equivalent, as determined by the permitting agency.

(ii) For new sources, either:

(A) Before exhausting it to the atmosphere, pass the air stream through a dry particulate filter system certified using the methods described in § 63.750(o) to meet or exceed the efficiency data points in Tables 3 and 4 of this section; or

(B) Before exhausting it to the atmosphere, pass the air stream through an air pollution control system that meets or exceeds the efficiency data points in Tables 3 and 4 of this section and is approved by the permitting authority.

(iii) Owners or operators of new sources that have commenced construction or reconstruction after June 6, 1994 but prior to October 29, 1996 may comply with the following requirements in lieu of the requirements in paragraph (g)(2)(ii) of this section:

(A) Pass the air stream through either a two-stage dry particulate filter system or a waterwash system before exhausting it to the atmosphere.

(B) If the primer or topcoat contains chromium or cadmium, control shall consist of a HEPA filter system, three-stage filter system, or other control system equivalent to the three stage filter system as approved by the permitting agency.

ACP is applying coatings in booths that do not comply with these requirements and does not expect to come into compliance until 7/22/99.

---

Emissions from toxic pollutants

ACP emits, methyl ethyl ketone, trichloroethylene, xylene, chrome, and lead in excess of the aerospace NESHAP limits from hand wipe and coating operations regulated by the NESHAP.

---

Section 63.752(b)(3) requires that each owner or operator of a cleaning operation record the following information:

- (3) For each cleaning solvent used in hand-wide cleaning operations that does not comply with the composition requirements in § 63.744(b)(1), but does comply with the vapor pressure requirement in § 63.744(b)(2):
  - (i) The name of each cleaning solvent used;
  - (ii) The composite vapor pressure of each cleaning solvent used;
  - (iii) All vapor pressure test results, if appropriate, data, and calculations used to determine the composite vapor pressure of each cleaning solvent; and
  - (iv) The amount (in gallons) of each cleaning solvent used each month at each operation.

Methyl n-propyl ketone has a vapor pressure of 27.8 mm Hg at 20°C (which does not meet §63.744(b)(1)) and complies with § 63.744(b)(2) and ACP failed to keep the required records.

---

Section 63.752 (c)(1) requires

- (c) *Primer and topcoat application operations-- organic HAP and VOC.* Each owner or operator required to comply with the organic HAP and VOC content limits specified in § 63.745(c) shall record the information specified in paragraphs (c)(1) through (c)(6) of this section, as appropriate.
  - (1) The name and VOC content as received and as applied of each primer and topcoat used at the facility.

ACP failed to keep these records.

---

Section 63.752 (d) requires

- Primer and topcoat application operations-- inorganic HAP emissions.* (1) Each owner or operator complying with § 63.745(g) for the control of inorganic HAP emissions from primer and topcoat application operations through the use of a dry particulate filter system or a HEPA (High efficiency particulate air) filter system shall record the pressure drop across the operating system once each shift during which coating operations occur.

ACP states that only since March 26, 1999 were they keeping these records.